



## **Department of Justice**

### **Federal Bureau of Investigation**

#### **National Instant Criminal Background Check System Section**

##### **Agency Information Collection Activities:**

Existing collection, comments requested

The Voluntary Appeal File (VAF) Brochure

##### **ACTION: 60-Day Notice of Information Collection Under Review:**

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The Department of Justice (DOJ) FBI Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until [the Federal Register will insert 60 days from the date this notice is published in the Federal Register]. This process is conducted in accordance with Title 5, Code of Federal Regulations (CFR), Section 1320.10.

If you have comments (especially on the estimated public burden or associated response time), suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Sherry L. Kuneff, Management and Program Analyst,

FBI, Criminal Justice Information Services Division, National Instant Criminal Background Check System Section, Module A-3, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306, or facsimile at (304) 625-7540.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agency's/component's estimate of the burden of the proposed collection of the information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of this information:**

- (1) **Type of Information Collection:** Approval of an Existing Collection
- (2) **Title of the Form:** Voluntary Appeal File
- (3) **Agency Form Number, if any, and the applicable component of the department sponsoring the collection:**

Form Number: 1110-0043.

Sponsor: Criminal Justice Information Services (CJIS) Division of the FBI, Department of Justice (DOJ).

- (4) **Affected Public who will be asked or required to respond, as well as a brief abstract:**

**Primary:** Any individual requesting entry into the Voluntary Appeal File (VAF) of the FBI Criminal Justice Information Services (CJIS) Division's National Instant Criminal Background Check System (NICS) Section.

**Brief Abstract:** Under 28 CFR, Part 25.9(b)(1), (2), and (3), the NICS must destroy all identifying information on allowed transactions within 24 hours of the Federal Firearms Licensee (FFL) being notified of the transaction's proceed status. If a potential purchaser is delayed or denied a firearm then successfully appeals the decision, the NICS Section cannot retain a record of the overturned appeal or the supporting documentation. If the record cannot be updated, the purchaser continues to be delayed or denied, and if that individual appeals the decision, the documentation must be resubmitted for every subsequent purchase. As such, the Voluntary Appeal File (VAF) was mandated to be created and maintained by the NICS Section for the

purpose of preventing future lengthy delays or erroneous denials of a firearm transfer. An individual wishing to request entry into the VAF may obtain a VAF brochure from the NICS Section, an FFL, or the NICS Section Web site: <<http://www.fbi.gov/about-us/cjis/nics/nics>>.

(5) **An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:**

It is estimated that annually 7,542 individuals will request entry into the VAF. It takes an average of 5 minutes to read and complete all areas of the application, an estimated 2 hours for the process of fingerprinting including travel, and 25 minutes to mail the form for a total of 2.5 hours estimated burden to the respondent.

(6) **An estimate of the total public burden (in hours) associated with the collection:**

The number of persons requesting entry into the VAF is estimated to be 7,542 individuals annually. The time it takes each individual to complete the process is 2.5 hours. The total public burden hours are 7,542 respondents multiplied by 2.5 hours which equals 18,855 total burden hours.

If additional information is required, contact: Jerri Murray, Department Clearance  
Officer, United States Department of Justice, Policy and Planning Staff, Justice Management  
Division, Two Constitution Square, 145 N Street, NE, Room 2E-508, Washington, DC 20530.

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Jerri Murray

Department Clearance Officer, PRA

United States Department of Justice

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